

ICO consultation on the draft updated data sharing code of practice

Q1 Does the updated code adequately explain and advise on the new aspects of data protection legislation which are relevant to data sharing?

☐ Yes

☒ No

Q2 If not, please specify where improvements could be made.

The code is extremely clear and provides easy to follow advice in relation to the new aspects of data protection legislation. However it would be helpful if further explanation could be given to sharing on the lawful basis of 'public task'.

Q3 Does the draft code cover the right issues about data sharing?

☒ Yes

☐ No

Q4 If no, what other issues would you like to be covered in it?

Q5 Does the draft code contain the right level of detail?

☐ Yes

☒ No

Q6 If no, in what areas should there be more detail within the draft code?

The draft code does largely contain sufficient detail in the various areas of data sharing. However it would be of benefit if more detail was given to the area of sharing in the public interest. It would also be helpful if sharing on the lawful basis of 'public task' and its relationship with public interest considerations could be explained.

Q7 Has the draft code sufficiently addressed new areas or developments in data protection that are having an impact on your organisation's data sharing practices?

☒ Yes

☐ No

Q8 If no, please specify what areas are not being addressed, or not being addressed in enough detail.

Q9 Does the draft code provide enough clarity on good practice in data sharing?

☐ Yes

☒ No

Q10 If no, please indicate the section(s) of the draft code which could be improved, and what can be done to make the section(s) clearer.

It would be helpful if more clarity could be given about the factors to be taken into consideration when considering sharing on the lawful basis of 'public task'.

Q11 Does the draft code strike the right balance between recognising the benefits of sharing data and the need to protect it?

☒ Yes

☐ No

Q12 If no, in what way does the draft code fail to strike this balance?

Q13 Does the draft code cover case studies or data sharing scenarios relevant to your organisation?

☐ Yes

☒ No

Q14 Please provide any further comments or suggestions you may have about the draft code.

The case studies are helpful and insightful but are not entirely relevant to our organisation. Our organisation has express statutory powers to share information. However we appreciate that despite these express powers, it is vital that each time data sharing takes place, proper consideration is given to the requirements of the Data Protection Act 2018 and the GDPR. There are occasions in which there is an implied nature to the statutory obligations and it would be helpful if more case studies relating to public interest considerations and their relationship with the public task lawful basis could be provided. Or if further clarity could be provided around this area in isolation as previously stated. We are mindful of the overarching requirement of accountability and would be grateful for further insight in to the area highlighted in order to ensure this requirement is met at all times.

Q15 To what extent do you agree that the draft code is clear and easy to understand?

- ☒ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

Q16 Are you answering as:

- ☐ An individual acting in a private capacity (e.g. someone providing their views as a member of the public of the public)
- ☐ An individual acting in a professional capacity
- ☒ On behalf of an organisation
- ☐ Other

Q17 Please specify

Q18 Please specify

The Northern Ireland Public Services Ombudsman

Q19 Please specify

Thank you for taking the time to share your views and experience.